UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/928,970	08/13/2001	Jeffrey P. Bezos	AMAZON.062A2	7740

20995 7590 04/10/2007 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614		EXAMINER
		BORLINGHAUS, JASON M

ART UNIT	PAPER NUMBER
3693	

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	04/10/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 04/10/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com
eOAPilot@kmob.com

PTOL-90A (Rev. 10/06)

		Application No.	Applicant(s)
Office Action Summary		09/928,970	BEZOS ET AL.
		Examiner	**Art Unit**	
		Jason M. Borlinghaus	3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _16 January 2007_.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-13_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-13_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _13 August 2001_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _See Continuation Sheet_.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :2/15/02, 8/03/06, 8/03/05, 1/27/05, 10/01/02, 6/17/02, 5/20/02, 8/13/01.

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Claims 1 - 13 in the reply filed on 1/16/07

is acknowledged.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly
claiming the subject matter which the applicant regards as his invention.

Claim 10 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

Regarding Claim 10, Examiner is unsure in what regards the "server

__dynamically__ generates" images. Furthermore, Examiner assumes Applicant meant the

"server dynamically generates and *__serves__*" images and not "*__servers__*".

Regarding Claim 11, if "the object generates and serves, for a recognized visitor,

a display object indicating a single action to be performed to complete payment to the

payee" wouldn't the web page upon this object appears becoming the de facto pay

page? Therefore, "the visitor [cannot] perform said single action to complete payment to

the payee without reviewing a corresponding pay page," as any webpage that allows

the performance of paying would become "a corresponding pay page."

Please examine all claims and, where required, correct appropriately.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1- 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Conklin (US Patent 6,336,105) in view of Gralla (Gralla, Preston. *How The Internet*

Works. Millennium Edition. Que. 1999. pp. vi – 324) and Official Notice.

Regarding Claims 1 – 13, Conklin discloses a server system for providing a

network-based user-to-user payment service comprising:

■   a pay page (payment webpage) generation module (application) which provides

functionality for payees (sellers) to remotely create customized pay pages

(remote authoring of website) for receiving payments from other users. (see col.

19, lines 1 – 10; fig. 4a – 4b; fig. 10-3);

■   a pay box (hyperlink) generation module (application) which provides

functionality for the payees (sellers) to remotely create pay boxes (hyperlinks)

that provide links to their own pay pages (community webpage) from external

web pages (external website). (see col. 22, lines 44 – 58);

- a data repository (database/servers) that stores descriptions of the pay pages

    (payment webpages) and the associated pay boxes (hyperlinks) created by

    payees (sellers);

- a pay page (webpage) display module which displays pay pages (payment

    webpages) to visitors (buyers). (see col. 21, lines 5 – 23);

- a transaction processing module (application) which is responsive to a payment

    request initiated by a visitor (buyer) of a pay page (payment webpage) by

    transferring funds from the visitor (buyer) to a payee (seller) associated with the

    pay page (payment page). (see col. 4, line 62 – col. 5, line 3; fig. 7);

- wherein the pay box (hyperlink) generation module (application) generates

    coding for a user (seller) to install a pay box (hyperlink) within an external web

    page. (see col. 22, lines 44 – 58);

- further comprising a module which provides capability for third party users

    (sponsors) to locate and install pay boxes (hyperlinks) of other users;

- further comprising an object server (server) that generates and serves pay box

    (hyperlink) display objects (images/buttons) for display within the external web

    pages, wherein the object server customizes the pay box display objects for

    visitors (retrieves based upon request of requestor). (see col. 27, 8 – 15; col. 32,

    lines 39 – 53); and

- wherein the pay page (web page) display module (application) customizes the pay pages based at least upon parameters passed with page request messages generated from pay box (hyperlink) selection. (based upon request of requestor).. (see col. 32, lines 39 – 53).

Conklin does not teach a system wherein the pay box generation module provides functionality for payees to specify textual messages for display within their pay boxes; wherein the pay box generation module includes within the coding an identifier of the user, and the transaction processing module uses the identifier to track resulting referrals of visitors to a corresponding pay page; wherein the pay box generation module provides functionality for a payee to specify a payment amount associated with a pay box such that visitor selection of the pay box causes the payment amount to be displayed within a corresponding pay page; further comprising an object server customizes display objects for _**recognized**_ visitors; wherein the object server displays names of recognized visitors within the pay box display objects; wherein said object indicates a single action to complete payment to the payee, where the visitor can perform said single action to complete payment to the payee without viewing a corresponding pay page; nor wherein the module is responsive to performance of the single action by redirecting a browser of the visitor to an external destination pre-specified by the payee.

Gralla discloses a system wherein the hyperlink generation module (application) provides functionality for a payee (seller) to specify a payment amount associated with hyperlink such that visitor selection of the hyperlink causes the payment amount to be

displayed within a corresponding pay page (webpage). (see pp. 126 – 133); wherein the

hyperlink generation module provides functionality for users to specify textual messages

(hypertext) and display images (imagemaps) for display within their hyperlinks. (see pp.

150 –153; 158- 161); wherein the module includes within the coding an identifier

(cookie) of the user, and the transaction processing module uses the identifier (cookie)

to track resulting referrals ("where people come to the site from") of visitors to a

corresponding webpage. (see pp. 260 –269; 290 – 297); object server dynamically

generates and serves display images for display within web pages (via DHTML). (see

pp. 144 – 149); wherein server customizes transmitted content and displays names of

recognized visitors within such content (see pp. 294 – 295); wherein the module is

responsive to performance of a single action (hyperlink click) by redirecting a browser of

a visitor to an external destination (absolute link) pre-specified by the web site designer.

(see pp. 152 – 153).

Examiner takes ***Official Notice*** that payment of a fee for referrals and

commissions, in the brick-and-mortar world and online; and that performance of a single

action to complete a payment, such as pushing a payment confirmation button, without

viewing a corresponding web page, such as a payment confirmation webpage, are old

and well known in the art of the e-commerce and online business.

It would have been obvious to one of ordinary art at the time the time the

invention was made to have modified Conklin by incorporating the methodologies, as

disclosed by Gralla and are old and well known in the art, to utilize methodologies that

are standard and conventional in the construction, operation and management of the
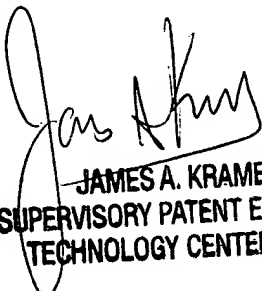
online environment.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jason M. Borlinghaus whose telephone number is (571)

272-6924. The examiner can normally be reached on 8:30am-5:00pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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JAMES A. KRAMER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

JAMES A KRAMER
SUPERVISOR' PATENT EXAMINER
TECHNOLOGY CENTER 3600